



CWP-14854-2021(O&M) -1-

In the High Court of Punjab and Haryana at Chandigarh

(114)

CWP No. 14854 of 2021(O&M)**Date of Decision: 15.05.2024**

Gram Panchayat Mullanpur Garibdas

.....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**Present: Mr. Sukhdeep Singh Sidhu, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate and
Ms. Aashma Aggarwal, Advocate for respondents No. 4 and 5.Mr. Kamal Joshi, Advocate and
Ms. Meenu Mumtaz, Advocate for respondent No. 6.

Mr. Shailender Kashyap, Advocate for respondent No. 7.

Mr. Rajesh Kumar Jangra, Advocate and
Mr. Hemant Bassi, Advocate for respondent No. 8.

SURESHWAR THAKUR, J(ORAL).

1. The learned counsels appearing for all the contesting litigants are, *ad idem*, for want of a validly prepared demarcation report, and, also for want of the same becoming proven in accordance with law, thereby, the impugned Annexure P-7, becoming ridden with a gross infirmity.

2. In consequence, the learned counsels pray that after quashing the impugned Annexures, the *lis* be remanded to the Collector concerned, so that, he may proceed to appoint an empowered Revenue Officer concerned, to make a fresh demarcation of the disputed sites, and, after the making of the said demarcation report, the author thereof being permitted to lawfully tender the same before the Collector concerned, but within opportunity to the aggrieved therefrom to cross-examine the author of the demarcation



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3. Keeping in mind the above *id adem* statement made at the bar, by all the counsels appearing for the parties before this Court, this Court quashes Annexure P-4, and, also quashes the making of Annexure P-1 by the Collector concerned.
4. Consequently, the *lis* is remanded to the Collector concerned, with a direction upon him to, after restoring the eviction petition to its original number to subsequently appoint an empowered Revenue Officer to make a fresh demarcation of the disputed sites, and, with a further direction upon the learned Collector concerned, to ensure that the author of the demarcation report tenders the same before him, and, also lawfully proves it, but with liberty to the aggrieved therefroms to make cross-examination of the author of the demarcation report.
5. Opportunity to adduce rebuttal evidence, if any, be also granted to the respondents in the eviction petition.
6. It is clarified that a lawful decision on the remanded *lis* shall be passed by the learned Collector concerned, within four months from today, but only after hearing all affected persons concerned. Moreover, the Collector concerned, may consider the passing of an order, whereby, the contesting litigants, are directed to maintain *status quo* during the pendency of the remanded *lis*. However, till the remanded *lis* is restored to its original number by the Collector concerned, the parties are directed to maintain *status quo*, as it exists today in respect of the subject lands.
7. Disposed of accordingly alongwith all pending application(s) if any.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

May 15, 2024
Anjal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No